

IN THE ELEVENTH JUDICIAL CIRCUIT, STATE OF MISSOURI
 CIRCUIT JUDGE DIVISION

VICTORIA O'CONNOR,)	
Plaintiff,)	Cause No.:
)	
v.)	Division:
)	
TARGET CORPORATION,)	JURY TRIAL DEMANDED
Defendant.)	
Serve at:)	
CT Corporation System)	
120 South Central Avenue)	
Clayton, MO 63105)	

PETITION FOR DAMAGES

COMES NOW Plaintiff, Victoria O'Connor, by and through undersigned counsel, and for her Petition for Damages states as follows:

PARTIES

1. Plaintiff Victoria O'Connor is, and at all relevant times was, a resident of St. Charles County, Missouri.
2. Defendant Target Corporation (hereinafter "Target") is a Minnesota corporation registered with the Missouri Secretary of State to conduct business in this state.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to RSMo. §506.500.
4. Venue is proper in this Court pursuant to RSMo. §508.0101, in that Plaintiff was first injured in St. Charles County, Missouri.

ALLEGATIONS COMMON TO ALL COUNTS

5. At all times mentioned herein, Defendant Target owned, leased, operated, managed, maintained, and/or controlled the premises and property known as Target located at 3881 Mexico Road, St. Charles, Missouri (hereinafter "the Premises").

6. On September 7, 2019, Plaintiff was an invitee of Defendant Target at the Premises.
7. At that time and place, Plaintiff was moving a piece of carpeting on an overhead shelf.
8. At that time and place, a portion of the metal shelving detached and struck Plaintiff in the head.

COUNT I – PREMISES LIABILITY

9. Plaintiff incorporates and realleges Paragraphs 1 through 8 as if fully restated herein.
10. The shelving unit was assembled in such a manner such that parts could detach and fall and as such the store was not reasonably safe.
11. Defendant Target knew or by using ordinary care could have known of this condition.
12. Defendant Target failed to use ordinary care to remove, barricade, or warn of this condition.
13. As a direct and proximate result of such failure, Plaintiff suffered painful, disabling, and permanent injuries to her head, face, and brain.
14. As a direct and proximate result of the injuries described above, Plaintiff sustained suffering and pain, and her ability to enjoy life is diminished and impaired, all of which will continue into the future.
15. As a direct and proximate result of the injuries described above, Plaintiff has incurred medical expenses to cure or relieve the effects of her injuries.
16. As a direct and proximate result of the injuries described above, Plaintiff will incur future medical expenses to cure or relieve the effects of her injuries.
17. As a direct and proximate result of the injuries described above, Plaintiff has lost, and will lose in the future, income and wages.

WHEREFORE, Plaintiff Victoria O'Connor prays for judgement against Defendant Target Corporation for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) that will fairly and justly compensate her for her damages, pre-judgment interest, costs incurred, and for such other and further relief as this Court deems just and proper.

COUNT II – NEGLIGENCE - RES IPSA LOQUITUR

18. Plaintiff incorporates and realleges Paragraphs 1 through 8 as if fully restated herein.
19. Defendant Target had control and management of the shelving unit that struck Plaintiff.
20. Metal shelving does not become detached when those in control exercise due care.
21. From the facts of such occurrence and the reasonable inferences therefrom, such occurrence was directly caused by Defendant Target's negligence.
22. As a direct and proximate result of such negligence, Plaintiff suffered painful, disabling, and permanent injuries to her head, face, and brain.
23. As a direct and proximate result of the injuries described above, Plaintiff sustained suffering and pain, and her ability to enjoy life is diminished and impaired, all of which will continue into the future.
24. As a direct and proximate result of the injuries described above, Plaintiff has incurred medical expenses to cure or relieve the effects of her injuries.
25. As a direct and proximate result of the injuries described above, Plaintiff will incur future medical expenses to cure or relieve the effects of her injuries.
26. As a direct and proximate result of the injuries described above, Plaintiff has lost, and will lose in the future, income and wages.

WHEREFORE, Plaintiff Victoria O'Connor prays for judgement against Defendant Target Corporation for a sum in excess of Twenty-Five Thousand Dollars (\$25,000.00) that will

fairly and justly compensate her for her damages, pre-judgment interest, costs incurred, and for such other and further relief as this Court deems just and proper.

Respectfully Submitted,

CHASSANIOL & MARTY, LLC

/s/ Andrew H. Marty

Andrew H. Marty, #37158

Evan M. Bettag, #60932

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Attorneys for Plaintiff



IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: MICHAEL JAMES FAGRAS	Case Number: 2111-CC00564
Plaintiff/Petitioner: VICTORIA O'CONNOR	Plaintiff's/Petitioner's Attorney/Address EVAN MICHAEL BETTAG CHASSANIOL & MARTY LLC 5301 VETERANS MEMORIAL PKWY SUITE 201 SAINT PETERS, MO 63376
Defendant/Respondent: TARGET CORPORATION	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **TARGET CORPORATION**
Alias:

1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

Serve at:
CT Corporation System
120 South Central Avenue
Clayton, MO 63105

COURT SEAL OF

ST. CHARLES COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

_____ 7/6/2021 _____
Date /S/ Cheryl Crowder
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 11TH JUDICIAL CIRCUIT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: MICHAEL JAMES FAGRAS	Case Number: 2111-CC00564
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- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:
Bonnie Love (name) authorized to accept process (title).
- ☐ other: _____

Served at 120 S Central, #400, St. Louis, MO 63105 (address)in St. Louis County (County/City of St. Louis), MO, on 8-4-21 (date) at 12:45pm (time).John Fredenick

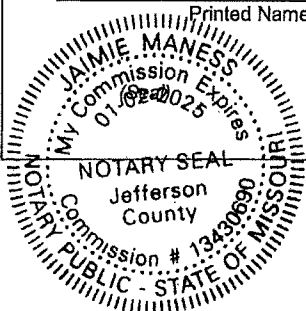
Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on 8/5/2021 (date).My commission expires: 1/2/2025 Date

Notary Public



Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.